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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. ....09/811,362  
Filing Date .....3/16/2001  
Inventorship .....Zintel et al.  
Applicant ..... Microsoft Corporation  
Attorney's Docket No. .... MS1-785US  
Title: An XML-Based Template Language for Devices and Services Interface

RECEIVED

OCT 03 2001

**PETITION FOR FILING BY OTHER THAN ALL THE INVENTORS**

OFFICE OF PETITIONS

**UNDER 37 CFR 1.47(a)**

To: Commissioner of Patents and Trademarks,  
Washington, D.C. 20231

From: Lewis C. Lee (Tel. 509-324-9256; Fax 509-323-8979)  
Customer No. 22801



Let it be known that:

1. Several attempts to contact joint inventor Christopher M. Rude at his last known address and also by telephone have failed to elicit any response.

2. His last known address is: Christopher M. Rude, 9200 Red-Wood Rd. NE, Apt. D324, Redmond, WA 98052.

3. His last known phone number is (425) 895-0111.

4. On April 12, 2001 a package containing a copy of the application, Declaration and Assignment (formal papers) was sent by Lee & Hayes, PLLC, to Christopher M. Rude at his last known address by First Class Mail.

5. On May 9, 2001 a call was made to Christopher M. Rude by a member of my staff. The call was answered by voice mail. The staff member identified herself and requested that Mr. Rude sign the formal papers and return to Lee & Hayes, PLLC, or call me if he had any questions. Mr. Rude did not respond.

6. Mr. Rude was reached by phone on May 21, 2001. He could not remember if he received the formal papers in the mail. During the phone conversation, it was conveyed to Mr. Rude that another package with the application papers would be sent to him by Federal Express. His mailing address was verified and he was requested to sign and return the formal papers as soon as possible.

5. On May 21, 2001 another package containing a copy of the application, Declaration and Assignment was sent by Lee & Hayes, PLLC to Mr. Rude at his last known address by Federal Express (tracking number 8279 4566 6671). A prepaid return envelope was included for return of the executed documents to Lee & Hayes, PLLC. According to Federal Express, the package was delivered as addressed on May 22, 2001 at 11:05 am. A

08/08/2001 BARAHAI 00000075 09811362

05 FC:122

130.00 OP

LEE & HAYES, PLLC

EL792822295

1 copy of the FedEx Airbill form and "Track Shipments Summary Results" online printout  
2 are attached hereto.

3 7. To date, Mr. Christopher M. Rude has not contacted Lee & Hayes, PLLC,  
4 or returned the signed formal papers.

5 8. As such, the Honorable Commissioner is hereby petitioned to allow the  
6 filing of the above-identified patent application under 37 CFR 1.47(a), in light of the  
7 nonsigning joint inventor, Christopher M. Rude.

8 The Commissioner is hereby authorized to charge payment of fees or credit  
9 overpayments to Deposit Account No. 12-0769 in connection with any fees under 37 CFR  
10 1.17(i).

11 Date: Aug. 2, 2001

12 By: 

13 Lewis C. Lee

14 Reg. No. 34,656

April 12, 2001



Christopher M. Rude  
9200 Red-Wood Rd. NE  
Apt. D324  
Redmond, WA 98052

RE: *Microsoft Patent Application No. 09/811,362*  
*"An XML-Based Template Language for Devices and Services"*  
*Our File No.: MS1-785US*

Dear Mr. Rude:

Enclosed are formal papers (as well as a copy of the application itself and drawings as filed) relating to the above-mentioned patent application. Please sign where indicated, and return the executed documents, at your earliest possible convenience, in the enclosed self-addressed, stamped envelope.

Should you have any questions regarding this, please do not hesitate to call Lewis Lee at (509) 324-9256, extension 11 or myself at extension 36. I can also be reached via email: CherylB@leehayes.com.

Thank you for your prompt response to this request.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl Boies".

Cheryl Boies  
Assistant to Mr. Lee

# Memorandum

**To:** File

**From:** Cheryl Boies

**Date:** May 21, 2001

**Re:** Phone call to Chris Rude

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I called Chris Rude again today re the status of the signature papers that were mailed to him April 12, 2001. I did reach him today. He said he does not remember receiving the papers in the mail. I told him I would send them to him by FedEx today and asked him to sign and return the formal papers to me ASAP. I verified his address in Redmond that we have in the file. Formal papers were sent by FedEx today with a return FedEx envelope.

April 12, 2001

May 21, 2001

lee &amp; hayes

Christopher M. Rude  
9200 Red-Wood Rd. NE  
Apt. D324  
Redmond, WA 98052

RE: *Microsoft Patent Application No. 09/811,362*  
*"An XML-Based Template Language for Devices and Services"*  
Our File No.: MS1-785US

Dear Mr. Rude:

Enclosed are formal papers (as well as a copy of the application itself and drawings as filed) relating to the above-mentioned patent application. Please sign where indicated, and return the executed documents, at your earliest possible convenience, in the enclosed self-addressed, ~~stamped envelope~~. *Fed Ex envelope.*

Should you have any questions regarding this, please do not hesitate to call Lewis Lee at (509) 324-9256, extension 11 or myself at extension 36. I can also be reached via email: CherylB@lee-hayes.com.

Thank you for your prompt response to this request.

Sincerely,



Cheryl Boies  
Assistant to Mr. Lee

# FedEx USA Airbill

FedEx Tracking Number

8279 4566 6671

Form 10-95 0215

Sender's Copy

## 1 From Please print and press hard

Sender's FedEx Account Number 1825-5831-1

Date 5/21/2001

Sender's Name Cheryl Boles Phone (509) 324-9256

Company LEE & HAYES PLLC

Address 421 W RIVERSIDE AVE STE 500

City SPOKANE State WA ZIP 99201

Day/Floor/Suite/Room

## 2 Your Internal Billing Reference

142320.3 / MS1-785US

3 To Recipient's Name Christopher M. Rude Phone (425) 895-0111

Company

Address 9200 Red-Wood Rd. NE

To HQD\* at FedEx location print FedEx address

We cannot deliver to P.O. boxes or P.O. ZIP codes.

Apt. D324

Day/Floor/Suite/Room

City REDMOND State WA ZIP 98052

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See back for application instructions.

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☐ Next Business Morning

☐ FedEx 2Day

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☐ FedEx 2Day Freight

☐ Next Business Day

☐ FedEx 3Day Freight

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☐ FedEx Envelope\*

☒ FedEx Pak\*

☐ Special Handling

☐ SATURDAY Delivery

☐ RESTRICTIONS

☐ Available only for FedEx Priority Overnight and FedEx 2Day

☐ Does this shipment contain dangerous goods?

☐ No

☐ Yes

☐ As per attached Shipper's Declaration

☐ Dangerous Goods (net): Dry Ice cannot be shipped in FedEx packaging or with FedEx Extra Hours service.

☐ Payment Bill to:

☐ Sender

☐ Recipient

☐ Third Party

☐ Credit Card

☐ Cash/Check

☐ Total Packages

☐ Total Weight

☐ Total Declared Value\*

☐ \$

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### FedEx Express

### Successful Tracks

Tracking Number	Status	Destination	Date/Time
<a href="#">827945666693</a>	Delivered	WOODINVILLE WA	05/21/2001 12:33
<a href="#">827945666671</a>	Delivered	REDMOND WA	05/22/2001 11:05

### FedEx Express

### Not Found

No scan record for the following shipments has been received by our system yet.  
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#### Tracking Number

827945666708

827945666682

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